

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.Nos.5302, 14366, 14367, 14368, 14390,
14391, 14392 and 27678 of 2017

And

W.M.P.No.29631 of 2017

in

WP.No.27678 of 2017

G.RAJAGOPAL ... PETITIONER IN W.P.NO.5302 OF 2017
S.RAMASAMY ... PETITIONER in WP No.14366 of 2017
C.NATARAJAN ... PETITIONER in WP No.14367 of 2017
K.M.MURUGESAN ... PETITIONER in WP No.14368 of 2017
K.NAGAPPAN ... PETITIONER in WP No.14390 of 2017
A.M.LINGASAMY ... PETITIONER in WP No.14391 of 2017
P.KUPPUSAMY ... PETITIONER in WP No.14392 of 2017
A.BELAVENDRAN ... PETITIONER in WP No.27678 of 2017

Vs.

1. THE GOVERNMENT OF TAMIL NADU,
REPRESENTED BY SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 009.
2. THE DIRECTOR OF ELEMENTARY EDUCATION
COLLEGE ROAD, CHENNAI - 600 006.

.. Respondents 1 & 2 in All WPs

3. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
NAMAKKAL DISTRICT,
NAMAKKAL.

4. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
ERUMAIPATTI PANCHAYAT UNION,
ERUMAIPATTI,
NAMAKKAL DISTRICT.

... Respondents 3 & 4 in
WP.No.5302 of 2017

3 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER
TRICHY DISTRICT, TRICHY

4 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
MARUNGAPURI PANCHAYAT UNION,
MARUNGAPURI, TRICHY DISTRICT

... Respondents 3 & 4 in
WP.No.14366 of 2017

3 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER,
TIRUPPUR DISTRICT,
TIRUPPUR

4 THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER
AVINASI PANCHAYAT UNION
AVINASI TIRUPPUR DISTRICT

... Respondents 3 & 4 in
WP.No.14367 & 14368 of 2017

3 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER COIMBATORE DISTRICT
COIMBATORE

4 THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER ANNUR PANCHAYAT UNION
ANNUR COIMBATORE DISTRICT

... Respondents 3 & 4 in
WP.No.14390 To 14392 of 2017
and 3rd Respondent in WP.No.27678 of 2017

Prayer:

WP.No.5302 of 2017:-

Writ petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the records of the second respondent in relation to Proceedings No.016499/D3/2013 dated 02.07.2013 and quash the same and issue

a consequential direction to the respondents to grant the benefit of G.O.Ms.No.210 Education dated 14.08.2009 to the petitioner by upgrading the petitioner as Secondary Grade Teacher from 18.11.1968 and grant consequential selection and special grade scale of pay to the petitioner in the post of B.Ed Middle School Headmaster and grant arrears of pay and pension.

WP.No.14366 & 14367 of 2017:-

Writ of Mandamus directing the first respondent list to extend the benefit of G.O.Ms. No.210 Education (G1) Department dated 14.08.2009 and to count the service rendered by the petitioner as Secondary Grade Teacher and Primary School Headmaster before 01.06.1988 and consequently grant Selection and Special Grade scale of pay in the post of B.Ed Middle School Headmaster and grant arrears of Pay and Pension.

WP.No.14368 of 2017:-

Writ of Mandamus directing the respondents to grant the benefit of G.O.Ms. No.210 Education (G1) Department dated 14.08.2009 to the petitioner by upgrading the petitioner as Secondary Grade Teacher from 21.9.1967 and grant consequential Selection and Special Grade Scale of Pay to the petitioner in the post of B.Ed Middle School Headmaster and grant arrears of pay and pension.

WP.No.14390 To 14392 of 2017 & 24678 of 2017:-

To issue a Writ of Certiorarified Mandamus Calling for the records of the first respondent in relation to the proceedings issued in Letter NO.4687/ N.V.(2)/2017 School Education (N.V.2 (2) Department dated 8.3.2017 respectively (in WP.No.14390 to 14392 of 2017) Letter NO.4218/ N.V.2(2)/2017 School Education (N.V.2(2) Department dated 28.03.2017 (in WP.No.27678 of 2017) and quash the same and issue a consequential direction to the respondents to extend the benefit of G.O.Ms. No.210 Education (G1) Department dated 14.08.2009 and to count the service rendered by the petitioner as Primary School Headmaster and secondary Grade Teacher prior to 01.06.1988 for the purpose of Selection and Special Grade pay in the post of Middle School Headmaster and fix the petitioners pay in the post of Middle School Headmaster and grant arrears of pay and send the revised pension proposal to the Accountant General for sanction

For Petitioners : Mr.R.Saseetharan
in All WPs

For Respondents : Mr.C.Munusamy
in All WPs Special Government Pleader

C O M M O N O R D E R
(Order of the Court was delivered by K.K.SASIDHARAN,J.)

These writ petitions are in respect of the benefit granted by the Government in G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009. The petitioners have claimed the benefits of the Government Order in G.O.Ms.No.210, School Education (G1) Department, dated 14.08.2009.

2.When the writ petitions are taken up for hearing, Mr.C.Munusamy, learned Special Government Pleader, by producing a copy of the judgment dated 3rd January, 2019 in Writ Appeal Nos.34 of 2017 etc. batch submitted that the issue is no longer res integra in view of the judgment delivered by the Co-ordinate Bench.

3.The Division Bench, after extracting various Government Orders and the decisions rendered by Courts on the subject, finally issued string of directions in paragraph No.8 of the judgment. The operative portion of the said judgment is extracted hereunder:

8. ...Following the above decision, all the writ appeals are dismissed. The appellants are directed to grant the benefits of G.O.Ms. No. 210 School Education (G1) Department, dated 14.08.2009, to all the respondents and fix their pay in Selection Grade / Special Grade in the post of Middle School Headmaster, by counting the service rendered as Secondary Grade Teacher/Primary School Headmaster/Elementary School Headmaster, from the date of their promotion to the post of Middle School Headmaster, if they were not given the same already, with all monetary benefits and the pensionary benefits with arrears till the date of his death. Though, Mr.C. Munusamy, learned Special Government Pleader (Education) sought four months time to complete the exercise of revising the pay in the Selection Grade / Special Grade to the respondents, and consequently revise the pension / family pension, considering the long period of litigation, which the retired employees / members of the family of the retired employees have to undergo, litigation expenses etc., we, deem it fit, to direct the appellants, to fix the pay in the Selection Grade / Special Grade, within a period of four

weeks, from the date of receipt of a copy of this judgment and consequently the appellants are further directed to revise the pension / family pension, and disburse both arrears of salary and differential pension, within a period of eight weeks, thereafter. Consequently, connected civil miscellaneous petitions are closed. No costs."

4. Since the issue has already been decided by the Division Bench, there is no need for a further adjudication in the present writ petitions. We therefore dispose of the writ petitions in terms of the judgment dated 3rd January, 2019 in Writ Appeal Nos.34 of 2017 etc. batch.

5. We direct the State to revise the pension/ family pension of the concerned employees and disburse the arrears of salary and differential pension depending upon the facts of each case and taking into account the directions given by the Division Bench in the judgment dated 3rd January, 2019 in W.A.Nos.34 of 2017 etc. batch. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. THE SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 009.
2. THE DIRECTOR OF ELEMENTARY EDUCATION
COLLEGE ROAD, CHENNAI - 600 006.
3. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
NAMAKKAL DISTRICT,
NAMAKKAL.
4. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
ERUMAIPATTI PANCHAYAT UNION,
ERUMAIPATTI,
NAMAKKAL DISTRICT.

- 5 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER
TRICHY DISTRICT, TRICHY
- 6 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
MARUNGAPURI PANCHAYAT UNION,
MARUNGAPURI, TRICHY DISTRICT
- 7 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER,
TIRUPPUR DISTRICT,
TIRUPPUR
- 8 THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER
AVINASI PANCHAYAT UNION
AVINASI TIRUPPUR DISTRICT
- 9 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER COIMBATORE DISTRICT
COIMBATORE
- 10 THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER ANNUR PANCHAYAT UNION
ANNUR COIMBATORE DISTRICT

+8ccs to Mr.R.Saseetharan, Advocate, S.R.No.42058 TO 42065
+1cc to the Government Pleader, S.R.No.42521, 42522, 42557 & 42558

W.P.Nos.5302, 14366, 14367,
14368, 14390, 14391,
14392 and 27678 of 2017
And W.M.P.No.29631 of 2017

VD (CO)
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